

Appl. No. : 10/624,094
Filed : July 21, 2003

REMARKS

By way of summary, Claims 1-47 were originally filed in the present application. No amendments have been made to these claims. Accordingly, Claims 1-47 are pending.

Claims Indicated As Allowable

Applicants thank the Examiner for the indication of the allowability of the subject matter of Claims 7-12 and 25-30. The Examiner objected to these claims as being dependent upon rejected base claims, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the arguments made below, Applicants respectfully submit that these Claims are allowable as presented in dependent form.

Claims 1-6, 17-19, 21-24 and 32 Are Not Anticipated By Uchida et al.

Claims 1-6, 17-19, 21-24 and 32 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Uchida et al. (U.S. Patent No. 4,767,363). Applicants do not agree with the Examiner's characterization of the reference nor with the rejection of the claims.

In particular, Uchida et al. neither discloses, *inter alia*, a "control device decreasing the magnitude of engine power when the control device determines that the magnitude of engine power is greater than a preset magnitude of engine power" (Claim 1), nor a "control device decreasing the engine speed when the control device determines that the engine load is greater than a preset engine load" (Claim 21). In contrast, Uchida et al. discloses that the engine speed is reduced only "when the throttle valve associated with the throttle valve shaft 36 is opened rapidly." Col. 5, ll. 3-5. If the throttle valve is opened to the same extent, but less rapidly, "the gradual acceleration will be permitted." Col. 5, ll. 8-13. Uchida et al. does not disclose a preset magnitude of engine power above which the engine power is limited; rather, Uchida et al. discloses a preset rate of acceleration of throttle position, such that the boat cannot be accelerated around a curve too quickly. *See* Col. 1, ll. 27-35. Thus, because Uchida et al. does not disclose each and every limitation of independent Claims 1 and 21, Applicants submit that these independent claims are in condition for allowance.

Claims 2-6 and 17-19 depend from Claim 1, and Claims 22-24 and 32 depend from Claim 21. These dependent claims are not anticipated by Uchida et al. for at least the same

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reasons as Claims 1 and 21. Applicants respectfully request the Examiner to withdraw the rejections to Claims 1-6, 17-19, 21-24 and 32 and to reconsider the claims.

Claims 37-39 and 42-45 Are Non-obvious Over Uchida et al.

Claims 37-39 and 42-45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Uchida et al. Applicants again do not agree with the Examiner's characterization of this reference and with the rejection of the claims.

Claim 37 recites the step of "determining whether the magnitude of engine power is greater than a preset magnitude of engine power," and Claim 44 recites the step of "determining whether the engine load is greater than a preset engine load." As discussed above, Uchida et al. neither teaches nor suggests, *inter alia*, comparing the engine power or load to a preset magnitude of engine power or load. In contrast, Uchida et al. teaches measuring a rate of acceleration of throttle position to determine whether the acceleration is too great. Col. 1, ll. 15-30.

Thus, because Uchida et al. neither teaches nor suggests each and every limitation of Claims 37 and 44, Applicants submit that these independent claims are in condition for allowance. Claims 38, 39, 42 and 43 depend from Claim 37, and Claim 45 depends from Claim 44. Therefore, these dependent claims are non-obvious over Uchida et al. for at least the same reasons as Claims 37 and 44. Applicants respectfully request the Examiner to withdraw the rejections to Claims 37-39 and 42-45 and to reconsider the claims.

Claims 1, 2, 13-19, 31, 33-36, 37, 40, 41, 46 and 47 Are Not Obvious Over Uchida et al. and Fukui

Claims 1, 2, 13-19, 31, 33-36, 37, 40, 41, 46 and 47 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Uchida et al. in view of Fukui (U.S. Patent No. 5,203,727). Applicants do not agree with the Examiner's characterization of these references and with the rejection of these claims.

Claim 1 recites a "control device decreasing the magnitude of engine power when the control device determines that the magnitude of engine power is greater than a preset magnitude of engine power." Claim 33 recites a "control device decreasing the engine speed when the control device determines that the engine speed is greater than a preset engine speed." Claim 37 recites the step of "determining whether the magnitude of engine power is greater than a preset

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magnitude of engine power.” Claim 46 recites the step of “determining whether the engine speed is greater than a preset engine speed.” As discussed in detail above, Uchida et al. does not disclose, in addition to other recited limitations of the claims, the use of a preset magnitude of engine power or a preset engine speed. Fukui also does not disclose the use of a preset magnitude of engine power or a preset engine speed.

Therefore, Applicants submit that these independent claims are allowable over the combination of Uchida et al. and Fukui. Claims 2 and 13-19 depend from Claim 1, Claim 31 depends from Claim 21, Claims 34-36 depend from Claim 33, Claims 40 and 41 depend from Claim 37, and Claim 47 depends from Claim 46. Therefore, these dependent claims are non-obvious over Uchida et al. and Fukui for at least the same reasons as Claims 1, 21, 33, 37 and 46. Applicants respectfully request the Examiner to withdraw the rejections to Claims 1, 2, 13-19, 31, 33-36, 37, 40, 41, 46 and 47 and to reconsider the claims.

In view of the foregoing, Applicants do not present further arguments concerning the combinability of Uchida et al. and Fukui. However, Applicants hereby reserve the right to contest the combinability of these references at a later date.

Claims 1 and 20 Are Non-obvious Over Uchida et al. and Hall et al.

Claims 1 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Uchida et al. in view of Hall et al. (U.S. Patent No. 6,168,485). Applicants do not agree with the Examiner’s characterization of these references and with the rejection of these claims.

Claim 1 recites a “control device decreasing the magnitude of engine power when the control device determines that the magnitude of engine power is greater than a preset magnitude of engine power.” As discussed in detail above, Uchida et al. does not disclose a control device for determining whether a magnitude of engine power is greater than a preset magnitude of engine power. Hall et al. also does not disclose such a control device.

Therefore, Applicants submit that Claim 1 is allowable over the combination of Uchida et al. and Hall et al. Claim 20 depends from Claim 1, and is non-obvious over Uchida et al. and Hall et al. for at least the same reasons. Applicants respectfully request the Examiner to withdraw the rejections to Claims 1 and 20 and to reconsider the claims.

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Conclusion

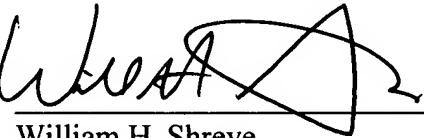
In view of the foregoing remarks, Applicants respectfully request the Examiner to reconsider and allow the claims. If, however, some issues remain that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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